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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/573,938	Joseph R. Garlich	48003-5

INTERNATIONAL APPLICATION NO.

PCT/US04/32289

I.A. FILING DATE

09/30/2004

PRIORITY DATE

09/30/2003

30565

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, IN 46204-5137

RECEIVED

DEC 18 2006

Woodard, Emhardt Moriarty  
McNett & Henry LLP

CONFIRMATION NO. 5414

371 FORMALITIES LETTER



\*OC000000021551928\*

Date Mailed: 12/11/2006



## NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

07-11-07

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an **amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

LawBase

Matter No. 48003-5

Routed to: EES / 13runda

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
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For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/573,938	PCT/US04/32289	48003-5

FORM PCT/DO/EO/922 (371 Formalities Notice)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby patent application of:

Joseph R. Garlich et al.

Serial No.10/573,938

Filed March 30, 2006

CHELATE BASED SCAFFOLDS  
IN TUMOR TARGETING

)  
) Before the Examiner  
) Not yet known  
)  
) Group Art Unit Unknown  
)  
) Confirmation No. 5414  
)  
) January 11, 2007

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES**

Mail Stop Missing Requirements  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed December 11, 2006, please consider the following remarks. No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 11, 2007.

Edward E. Sowers

Name of Registered Representative

*Edward E. Sowers*  
Signature

January 11, 2007

Date of Signature



## REMARKS

In response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed December 11, 2006, applicant's attorney has reviewed the application submitted and does not believe a sequence listing is required.

The cyclic peptide (1) shown in FIG. 1 and described in the specification is a five member cyclic peptide containing a D-phenylalanine unit. As noted in MPEP 2422.01, which defines the nucleotides and amino acids for which sequence listing must be provided, "(t)he presence of one or more D-amino acids in a sequence will exclude that sequence from the scope of the rules." Because the cyclic peptide (1) contains a D-amino acid, a sequence listing for this protein is not required.

Favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

By: Edward E. Sowers  
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